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Sustainable development

Oil slick on Lebanese shores

Report of the Secretary-General

Summary

The present report, submitted in response to the request contained in General Assembly resolution 64/195, provides an update on the progress of the implementation of Assembly resolutions 61/194, 62/188, 63/211 and 64/195 related to the oil slick on Lebanese shores that resulted from the bombing of the Jiyeh power plant, a civilian utility serving the general public. It complements the information presented in previous reports of the Secretary-General on the oil slick on Lebanese shores (A/62/343, A/63/225 and A/64/259).

I. Introduction

1. The present report, prepared by a United Nations inter-agency team, has been submitted pursuant to General Assembly resolution 64/195, in which the Assembly requested the Secretary-General to submit a report on the implementation of the resolution at its sixty-fifth session under the item entitled "Sustainable development".

2. The report provides updates to the information presented in the previous reports of the Secretary-General (A/62/343, which the General Assembly took note of in its resolution 62/188; A/63/225, which the Assembly took note of in its resolution 63/211; and A/64/259, which the Assembly took note of in its resolution 64/195) and which constitute an integral part of the present report, which covers:

(a) Overall assessment of the implications of the oil spill for livelihoods and the economy of Lebanon, owing to the adverse implications for natural resources, biodiversity, fisheries and tourism, and for human health in the country (section II);

(b) Progress made in approaching the Government of Israel on the assumption of responsibility for prompt and adequate compensation to the Government of Lebanon (section III);

(c) Overview of the progress made in clean-up and rehabilitation operations with a view to preserving the ecosystem of Lebanon and that of the Eastern Mediterranean Basin (section IV);

(d) Progress made in the establishment of the Eastern Mediterranean Oil Spill Restoration Trust Fund and mobilization of sufficient and adequate resources (section V).

II. Implications of the oil spill for livelihoods and the economy of Lebanon, owing to the adverse implications for natural resources, biodiversity, fisheries and tourism, and for human health in the country

3. The marine oil spill resulted in the release of about 15,000 tons of fuel oil into the Mediterranean Sea, leading to the contamination of about 150 km of coastline in Lebanon and the Syrian Arab Republic. In paragraph 2 of its resolution 64/195, the General Assembly reiterated the expression of its deep concern about the adverse implications of the destruction by the Israeli Air Force of the oil storage tanks in the direct vicinity of the Lebanese Jiyeh electric power plant for the achievement of sustainable development in Lebanon and, in paragraph 3, it considered that the oil slick had heavily polluted the shores of Lebanon and partially polluted Syrian shores and consequently had had serious implications for livelihoods and the economy of Lebanon, owing to the adverse implications for natural resources, biodiversity, fisheries and tourism, and for human health, in the country.

4. Several United Nations and other international entities, including the Food and Agriculture Organization of the United Nations, the International Union for Conservation of Nature, the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the World Bank, were involved in assessing the implications of the oil spill for human health, biodiversity,

fisheries and tourism in Lebanon. The reports of those entities, together with those of the Government of Lebanon and the UNEP/Mediterranean Action Plan/Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea, provided a prompt and reasonably comprehensive account of the immediate impact and response. A summary of the combined findings was presented to the General Assembly at its sixty-second and sixty-third sessions (see A/62/343 and A/63/225), under the triple headings of:

(a) Social (public health and safety);

(b) Economic (clean-up and monitoring, lost economic opportunities);

(c) Environmental (ecological and physico-chemical impacts).

Additional findings were summarized in the Secretary-General's report to the General Assembly at its sixty-fourth session (A/64/259). No further studies were conducted during the past year.

III. Progress made in approaching the Government of Israel on the assumption of responsibility for prompt and adequate compensation to the Government of Lebanon

5. In paragraph 4 of its resolution 64/195, the General Assembly requested the Government of Israel to assume responsibility for prompt and adequate compensation to the Government of Lebanon and other countries directly affected by the oil slick, such as the Syrian Arab Republic whose shores have been partially polluted, for the costs of repairing the environmental damage caused by the destruction, including the restoration of the marine environment. This echoed the previous requests made in resolutions 61/194, 62/188 and 63/211.

6. To date, the Government of Israel has yet to assume its responsibility for prompt and adequate compensation to the Government of Lebanon. The reaction of the Government of Israel to Assembly resolution 61/194 was formally sought by a letter from the UNEP Post-Conflict and Disaster Management Branch to the Permanent Mission of Israel to the United Nations Office at Geneva, dated 16 August 2007, to which no response was received. A further letter, dated 5 June 2008, was sent by the Executive Director of UNEP to the Permanent Representative of Israel to UNEP, highlighting the renewed request for action on the part of Israel contained in resolution 62/188. The response received from the Government of Israel on 10 September 2008 did not commit Israel to any action towards putting into effect paragraph 3 of resolution 61/194 and paragraph 4 of resolution 62/188; no response was received from the Government of Israel to the request in resolution 63/211, paragraph 4, nor has any response been forthcoming in terms of resolution 64/195.

7. In 2007, UNDP reviewed the many conventions that relate to oil pollution at sea and that many eastern Mediterranean countries have signed, as well as other possible agreements or compensation schemes. Unfortunately, all conventions are inapplicable during armed hostilities. In addition, the agreements that relate to spill

compensation[1] pertain only to oil spills from tanker vessels at sea, and not land-based incidents. In 2007, UNDP recommended examination of the United Nations Compensation Commission as the only precedent major oil spill compensation regime for spills arising from armed hostilities.[2] In view of the lack of any acknowledgement on the part of the Government of Israel of the relevant paragraphs of Assembly resolutions 61/194, 62/188, 63/211 or 64/195, it is recommended that further consideration be given to the option of examining the potential role of the Compensation Commission in securing the relevant compensations from the Government of Israel.

8. All littoral States of the eastern Mediterranean are signatories to the only oil spill response convention that relates to cooperation in response to spills arising from coastal oil-handling facilities and not merely from tankers, the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990, which entered into force in 1995 and which is aimed at facilitating international cooperation and mutual assistance between States and regions. The spirit of the Convention clearly could not be fully observed during the hostilities of July 2006 and in the aftermath of the marine oil spill.

9. Although not specifically concerned with spill compensation issues or with non-accidental acts during war hostilities, that Convention could nevertheless be utilized for future capacity-building and regional cooperation in the area of spill planning. Israel, Lebanon and the Syrian Arab Republic should be strongly encouraged to take a leadership role in a thorough post-spill review of convention-related activities in the eastern Mediterranean Sea, hosted by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea. Other regional signatories of the Convention that could have been affected by the spill, including by aerial transfer combustion products, are Egypt, Greece, Jordan and Turkey.

10. The Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean also sets out, in article 9, the following obligations of the parties to cooperate in dealing with pollution emergencies:

> The Contracting Parties shall cooperate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom;
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> Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

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[1] The International Convention on Civil Liability for Oil Pollution Damage, 1969, and the 1992 Protocol thereto; the 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (International Oil Pollution Compensation Fund); and the 2003 Protocol on the Establishment of a Supplementary Fund for Oil Pollution Damage (Supplementary Fund Protocol).

[2] By its resolution 687 (1991), the Security Council created an indemnification fund for damages and harm caused following the invasion of Kuwait. As a result, millions of dollars were

11. The Government of Lebanon notified the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea of the oil spill by a letter dated 21 July 2006.

12. As cited in a previous report of the Secretary-General (A/62/343), a range of recovery measures to respond to the Lebanon oil spill have been suggested as a positive step towards biodiversity conservation and restoration of livelihoods in the region.

IV. Overview of the progress made in clean-up and rehabilitation operations with a view to preserving the ecosystem of Lebanon and that of the Eastern Mediterranean Basin

13. In paragraph 5 of its resolution 64/195, the General Assembly expressed its appreciation for the efforts of the Government of Lebanon, Member States, regional and international organizations, regional and international financial institutions, and non-governmental organizations and the private sector in the initiation of clean-up and rehabilitation operations on the polluted shores, and encouraged them to continue their financial and technical support to the Government of Lebanon towards achieving the completion of clean-up and rehabilitation operations, with the aim of preserving the ecosystem of Lebanon and that of the Eastern Mediterranean Basin.

14. When the oil spill occurred in July 2006, it overwhelmed national response capacity because of the ongoing conflict, the simultaneous need for a massive humanitarian response, the destruction of infrastructure and a land, air and sea blockade by Israel. These factors also impeded initial efforts for international assistance. During the conflict, the Ministry of the Environment of Lebanon mobilized resources with its partners in the international community. It also coordinated preventive interventions such as the construction of barriers to protect the industry and coastline from further spillage. After the end of the conflict, some international assistance was provided and clean-up operations started.

A. Clean-up

15. The Ministry of the Environment of Lebanon implemented a two-phase clean-up plan when materials and resources were provided by the various bilateral partners and international organizations, as described in its commemorative reports of July 2007 and September 2008, and that of UNDP (December 2009).

16. During the first phase, the priorities set by the Ministry of the Environment were to recover free-floating oil from the sea and confined areas; clean areas with potential for direct human contact or risk to public health; rehabilitate areas where oil slicks hampered economic activities; and address direct threats to environmentally or culturally important sites. This not only followed the three-part approach to sustainable development (social, economic and environmental) but was also consistent with best practices in protection and clean-up prioritization. Phase I was completed in February 2007, in partnership with various Member States and organizations, including the Government of Italy, the Fund for International Development of the Organization of the Petroleum Exporting Countries, UNDP, the

Development Agency (CIDA) and the United States Agency for International Development (USAID), as well as local non-governmental organizations.

17. Following the completion of phase I, in April and May 2007 the Ministry of the Environment conducted a survey of the Lebanese coast to determine the scope of work for phase II, which focused primarily on the removal of fuel from rocks, wave-cut platforms, cliffs and infrastructure. An underwater survey of the near-shore and littoral zones of the coast between the northern zone (Abdeh-Akkar) and the southern zone (Jadra) was carried out by the Ministry and financed by UNDP.

18. Clean-up work followed, sponsored by the Government of Japan through UNDP,[3] the Government of Norway through the Higher Relief Commission in Lebanon,[4] USAID[5] and the Government of Spain through the Spanish Agency for International Cooperation and Development,[6] as part of phase II activities, which were completed by December 2009.

19. A comprehensive oil spill shoreline survey from Tyre to the northern border of Lebanon was undertaken, in November and December 2008, with funding from CIDA through UNDP in coordination with the Ministry of the Environment and under its technical supervision. Minor and final clean-up activities were recommended at selected sites. The Ministry undertook those clean-up activities with funding from the Government of Norway in the first quarter of 2010.

B. Waste management

20. As of June 2010, approximately 500m^3 of liquid and 3,220m^3 of semi-solid and solid waste were collected during clean-up operations, all appropriately stored in containers in secure temporary storage sites, with contribution from all partners, particularly the Government of Japan and CIDA, both through UNDP in coordination with the Ministry of the Environment and under its technical supervision.

21. At the request of the Government of Lebanon, two studies were undertaken on the treatment and disposal options in respect of oil spill waste. The first, entitled "Assessment and review of oil spill clean-up waste and review of possible treatment options", was funded by UNDP and published in July 2007. The second, entitled "Study for the management of oily wastes generated by the cleaning operations of the Lebanese coasts following the oil spill of Jiyeh", which was published in

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[3] Clean-up operations in areas surrounding Dalieh fishermen's wharf in Beirut and Jiyeh: four lots (September-November 2007), under the technical supervision of the Ministry of the Environment of Lebanon.

[4] On 1 November 2007, a memorandum of understanding was signed by the Government of Norway and the Government of Lebanon, under which clean-up operations were carried out in six areas in north and south Beirut under the technical supervision of the Ministry of the Environment of Lebanon (December 2007-February 2008).

[5] On 3 August 2007, a memorandum of understanding was signed by the Government of the United States of America, represented by the United States Agency for International Development, and the Government of Lebanon, under which clean-up operations were carried out in 21 areas between Tabarja and Anfeh under the technical supervision of the Ministry of the Environment of Lebanon (September 2007-May 2008).

[6] On 18 October 2007, a memorandum of understanding was signed by the Government of Spain, through the Spanish Agency for International Cooperation and Development, and the Government of Lebanon, under which clean-up operations were carried out in Palm Islands

December 2007, was funded by the Ministry of Finance and Industry of France and implemented in coordination with the Council for Development and Reconstruction in Lebanon, and a French independent engineering and environmental consulting firm as well as the Centre de documentation, de recherche et d'expérimentations sur les pollutions accidentelles des eaux. Both studies highlight the fact that Lebanon currently lacks the infrastructure for the environmentally sound treatment of such waste. On the basis of these findings, the Ministry of the Environment designed a brief project proposal on sound environmental waste management, including a waste schematic diagram.

22. In parallel, with funding from CIDA through UNDP, in coordination with the Ministry of the Environment and under its technical supervision, and in conjunction with other public and private partners, treatment was initiated at two of the temporary storage sites, and completed in the last quarter of 2009:

(a) Zahrani refinery, where about 310m^3 of polluted sand and pebbles, debris and equipment were treated;

(b) A plot of land close to the coastline of Beirut Central District made available by a private Lebanese company, where about 2,000m^3 of polluted sand were stabilized using quicklime.

23. Together these two activities set a model for treatment, by the Ministry of the Environment and its partners, of the remaining wastes (about 2,500m^3) stored at the refinery in Tripoli, the Zahrani refinery, and the Jiyeh and Zouk power plants (liquid and residues). Limited funding has been provided so far, and co-funding is still needed to achieve the objectives entailed. In 2008, the Government of Norway demonstrated interest in providing the support needed; this has not yet materialized.

C. Environmental monitoring

24. In the light of the international meeting convened in Athens on 17 August 2006 by the International Maritime Organization and UNEP, hosted by the Government of Greece, at which agreement was reached on the Action Plan prepared by the Experts Working Group for Lebanon under the supervision of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea and the Minister for the Environment of Lebanon, and given the fact that the General Assembly, in paragraph 4 of its resolution 61/194, encouraged Member States, regional and international organizations, regional and international financial institutions, and non-governmental organizations and the private sector to provide financial and technical assistance to the Government of Lebanon in support of its efforts to clean up the polluted shores and sea of Lebanon with a view to preserving its ecosystem, the Government of Greece allocated $1.6 million for the implementation of an environmental monitoring project in Lebanon, the final implementation strategies of which are currently being reviewed by the concerned parties.

D. Overall cost and assistance of clean-up operations to date

25. Assistance for phase I of the clean-up operation is estimated at almost $15 million (mostly in the form of equipment and technical assistance (see annex)).

26. The aforementioned equipment was deposited by the Ministry of the Environment of Lebanon with the relevant public administrations responsible for

61/1 dated 29 October 2008 signed by the Ministry of the Environment, the Ministry of National Defence and the Ministry of the Interior and Municipalities. The objective of the decision is to put that equipment to good effect and to leverage its value.

27. It should be noted that the Ministry of the Environment estimated the cost of the clean-up at $150 million, based on an applied model of costs per ton spilled, while the first Experts Working Group for Lebanon estimated the overall cost of clean-up and rehabilitation at between $137 million and $205 million. The Working Group recommended that range as an upper limit, with $68 million[7] as the minimum value. The Working Group, therefore, proposed that the search for funding be based on an initial amount of $68 million for 2006, with possible complements for 2007.[8] The total assistance received by Lebanon as of June 2008 was around 10 per cent of the average upper limit range, and only about 37 per cent of the minimum value. There have been no additional contributions since June 2008. Furthermore, the lower estimate of $68 million arrived at by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea was based substantially on the cost of just one major Mediterranean spill, which had similarities with, but also some significant differences from, the spill in Lebanon.

V. Progress made in the establishment of an Eastern Mediterranean Oil Spill Restoration Trust Fund and mobilization of sufficient and adequate resources

28. In paragraph 6 of its resolution 64/195, the General Assembly reaffirmed its decision to establish an Eastern Mediterranean Oil Spill Restoration Trust Fund, based on voluntary contributions, to provide assistance and support to the States directly adversely affected in their integrated environmentally sound management, from clean-up to safe disposal of oily waste, of this environmental disaster resulting from the destruction of the oil storage tanks at the Jiyeh electric power plant, and requested the Secretary-General to continue working towards the hosting and operationalization of the Trust Fund and to promptly finalize the implementation of that decision before the end of the sixty-fourth session of the General Assembly.

29. In paragraph 7 of its resolution 64/195, the General Assembly invited States, intergovernmental organizations, non-governmental organizations and the private sector to make voluntary financial contributions to the Trust Fund, and in this regard requested the Secretary-General to mobilize international technical and financial assistance in order to finalize the mechanism under which the Trust Fund would operate.

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[7] Converted from euros, the currency used by the Experts Working Group for Lebanon, at a rate of 1 euro = $1.36 (the United Nations rate on 21 May 2009).

[8] Experts Working Group for Lebanon, Lebanon Marine and Coastal Oil Pollution International Assistance Action Plan, 25 August 2006. Members of the Experts Working Group for Lebanon include the Joint Environment Unit of UNEP and the Office for the Coordination of Humanitarian Affairs; the European Commission Monitoring and Information Centre; the International Tanker Owners Pollution Federation Ltd.; UNDP; the Instituto Centrale per la

30. United Nations agencies operating in Lebanon have evaluated the various mechanisms for the operation of the Trust Fund and, in consultation with the Government of Lebanon (through the Ministry of the Environment), proposed that the Trust Fund be hosted by the Lebanon Recovery Fund to optimize resources. This was approved by the Steering Committee of the Lebanon Recovery Fund on 30 June 2010, and, as the mechanisms of the Trust Fund are already in existence, this means that funds can be deposited towards the Eastern Mediterranean Oil Spill Restoration Trust Fund with immediate effect.

VI. Conclusions

31. **The Secretary-General wishes to commend the ongoing efforts of the Government of Lebanon to address the impact of the oil spill. There is, however, grave concern at the lack of acknowledgment on the part of the Government of Israel of its responsibilities vis-à-vis reparations and compensation to the Government and people of Lebanon and the Syrian Arab Republic affected by the oil spill.**

32. **The Secretary-General would also like to commend the efforts of the United Nations system to respond to the emergency and thereafter to the requests of the Government of Lebanon pertaining to the management of the oil spill crisis. The response of the international donor community has been both generous and timely in this matter. Nonetheless, given the particularity of the cause and the prevailing circumstances of the Lebanese oil spill case at the time of the incident and beyond, the Secretary-General would urge Member States, international organizations, international and regional financial institutions, non-governmental organizations and the private sector to continue their support for Lebanon in this matter, particularly for rehabilitation activities on the Lebanese coast and in the broader recovery efforts. This international effort should be intensified, since Lebanon is still engaged in the treatment of wastes and the monitoring of recovery. It should also be recognized that this oil spill is not covered by any of the international oil spill compensation funds and thus merits special consideration. To this end, the Secretary-General has welcomed the agreement of the Lebanon Recovery Fund to host the Eastern Mediterranean Oil Spill Restoration Trust Fund under its existing mechanisms.**

Annex

Member States, regional and international organizations, regional and international financial institutions, governmental and non-governmental organizations and private sector entities that had provided financial and technical assistance to the Government of Lebanon as at 24 June 2008

	Cash contributions	*Technical assistance*[a]	*Equipment*[b]	*Contractors*[c]
Member States				
First response during the war				
Kuwait		■	■	
European Union/Danish Emergency Management Agency		■		
Norway		■	■	
Post-war assistance				
Norway	▨	■	■	
Canada (Canadian International Development Agency)				■▨
Cyprus			■	
Finland			■	
France		■	■	
Germany		■		
Italy		■	■	
Monaco			■	
Spain[d]		■	■	▨
Sweden		■		
Switzerland (Swiss Agency for Development and Cooperation)				■
Japan				■
United States (United States Agency for International Development)				■▨

	Cash contributions	*Technical assistance*[a]	*Equipment*[b]	*Contractors*[c]
Regional organizations				
League of Arab States/Egypt				
International organizations				
United Nations Development Programme				
World Bank				
United Nations Environment Programme, Post-Conflict Branch, and Office for the Coordination of Humanitarian Affairs				
Food and Agriculture Organization of the United Nations				
Regional financial institutions				
Organization of the Petroleum Exporting Countries (Fund for International Development)				
International financial institutions				
None				
International non-governmental organizations				
International Union for Conservation of Nature — West Africa, Central Asia and North Africa office and Mediterranean offices				
Greenpeace				
International private sector				
Recoverit International, Australia				

[a] Transfer of technical know-how by experienced personnel for activities related to oil-spill recognition, evaluation and control activities.

[b] Hardware and software (consumables) for the purpose of oil-spill recognition, evaluation and control activities.

[c] Contractors are third parties contracted to undertake oil-spill recognition, evaluation and control activities and are directly subcontracted by development partners.

[d] Phase II work funded by the Government of Spain was carried out through the Spanish Agency for International Cooperation and Development.

Phase I development partner.

Phase II development partner.